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7 Proposed Attorneys for Chapter 7 Trustee,
DAVID K. GOTTLIEB
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9 UNITED STATES BANKRUPTCY COURT
10 CENTRAL DISTRICT OF CALIFORNIA – SAN FERNANDO VALLEY DIVISION

11 In re
12 JAMES ALEXANDER,
13 Debtor.
14
15
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Case No. 1:21-bk-10214-MB

Chapter 7

NOTICE OF APPLICATION BY
CHAPTER 7 TRUSTEE TO EMPLOY
MARSHACK HAYS LLP AS GENERAL
COUNSEL

[NO HEARING REQUIRED]

17 TO THE HONORABLE MARTIN R. BARASH, UNITED STATES BANKRUPTCY COURT
18 JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE, AND ALL INTERESTED
19 PARTIES:

20 PLEASE TAKE NOTICE that DAVID K. GOTTLIEB, in his capacity as Chapter 7 Trustee
21 (“Trustee”) of the Bankruptcy Estate (“Estate”) of James Alexander (“Debtor”), has filed an
22 application (“Application”) for entry of an order authorizing the employment of Marshack Hays LLP
23 (“Firm”) as the Trustee’s and the Estate’s general counsel in this case pursuant to 11 U.S.C. § 327.

24 The Trustee seeks to retain general counsel to: (1) advise the Trustee regarding the extent of
25 the Estate’s interest in the Bitcoin¹ and the Litigation Claims; (2) represent the Trustee in any
26 proceeding or hearing in the Bankruptcy Court and in any action where the rights of the Estate or
27

28 ¹ Terms not defined herein are as defined in the Application.

Trustee may be litigated or affected; (3) conduct examination of Debtor, witnesses, claimants, or adverse parties, and to prepare and assist in the preparation of reports, accounts, applications, motions, complaints, and orders; (4) evaluate, review, and if appropriate, object to creditor claims; and (5) perform any and all other legal services incident and necessary for the smooth administration of this bankruptcy case. The Firm is knowledgeable and experienced in representing Chapter 7 trustees in the area of assessing, recovering, and liquidating assets for the benefit of creditors. The Firm may be required to assist the Trustee in the following matters:

- a. To advise the Trustee regarding the Bitcoin and the Litigation Claims;
- b. To analyze the value of the Bitcoin and the Litigation Claims for the benefit of creditors;
- c. To assist the Trustee with the liquidation of the Bitcoin or the Estate's interest in the Bitcoin;
- d. To represent the Trustee in any proceeding or hearing in the Bankruptcy Court and in any action where the rights of the Estate or Trustee may be litigated or affected;
- e. To identify, locate, value and liquidate any assets of the estate;
- f. To conduct examination of Debtor, witnesses, claimants, or adverse parties, and to prepare and assist in the preparation of reports, accounts, applications, motions, complaints, and orders;
- g. To determine whether an objection to discharge is appropriate;
- h. To evaluate, review, and if appropriate, object to creditor claims; and
- i. To perform any and all other legal services incident and necessary for the smooth administration of this bankruptcy case.

The Firm will render services to the Trustee at the Firm's regular hourly rates, which may be adjusted from time to time. The Firm's current hourly billing rates are as follows:

Partners	Rates	Associates	Rate	Paralegals	Rates
Richard A. Marshack	\$650	Judith E. Marshack	\$410	Pamela Kraus	\$280
D. Edward Hays	\$650	Laila Masud	\$390	Chanel Mendoza	\$260
Chad V. Haes	\$490	Tinho Mang	\$350	Layla Buchanan	\$260
David A. Wood	\$490	Claudia Coleman	\$350	Cynthia Bastida	\$260
Of Counsel		Law Clerk		Kathleen Frederick	\$200
Kristine A. Thagard	\$550	Sarah R. Hasselberger	\$280		
Matthew W. Grimshaw	\$550				

1 The Firm will be compensated from assets of the Estate, if any, and will not be compensated
2 absent the Estate's receipt or recovery of such assets. The Firm has received no retainer for the
3 services to be performed in this case and, has agreed that no retainer will be paid.

4 The Firm understands that its compensation in this case is subject to approval by the
5 Bankruptcy Court. In compliance with 11 U.S.C. §§ 330 and 331, the Firm intends to file interim
6 and final applications for allowance of fees and reimbursement of costs as and when appropriate.
7 The Firm will track and bill all time that it considers to be reasonable and appropriate in the course
8 of its representation of the Estate, and to the extent that the Trustee in the future requests a voluntary
9 reduction of compensation requested, the Firm will agree to voluntarily reduce its requests for
10 compensation in accordance with the Trustee's business judgment, to ensure a benefit is received by
11 the creditors of the Estate. The Firm has advised the Trustee that it has not shared nor agreed to share
12 any compensation to be received by it in this case with any other person, except as among partners
13 of the Firm. The Application is based on 11 U.S.C § 327 and the Firm intends to seek compensation
14 pursuant to 11 U.S.C. §§ 330 and 331.

15 The complete scope and terms of the employment are detailed in the Application a copy of
16 which can be obtained by contacting D. Edward Hays and Laila Masud whose contact information
17 is listed in the top left-hand corner of this Notice.

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PLEASE TAKE FURTHER NOTICE that any response and request for hearing as to the proposed employment must be in the form as required by Local Bankruptcy Rules (“LBR”) 2014-1(b), 9013-1(f) and (o) and filed with the Clerk of the above-entitled Court no later than fourteen days (14) from the date of service of this Notice, plus an additional three days unless this Notice was served by personal delivery or posting as described in F.R.Civ.P. 5(b)(2)(A)-(B). A copy of any response must be served on D. Edward Hays and Laila Masud at the address indicated above and must also be served on the Office of the United States Trustee, 915 Wilshire Blvd., Suite 1850, Los Angeles, CA 90017. Failure to timely respond may be deemed as acceptance of the proposed employment. *See* LBR 9013-1(h).

DATED: March 17, 2021

MARSHACK HAYS LLP

By: /s/ D. Edward Hays

D. EDWARD HAYS

LAILA MASUD

Proposed General Counsel for David K. Gottlieb,
Chapter 7 Trustee for the Bankruptcy Estate of
James Alexander

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt, Irvine, CA 92620

A true and correct copy of the foregoing document entitled: **NOTICE OF APPLICATION BY CHAPTER 7 TRUSTEE TO EMPLOY MARSHACK HAYS LLP AS GENERAL BANKRUPTCY COUNSEL** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **March 17, 2021**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**: On **March 18, 2021**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR

JAMES ALEXANDER
13535 VENTURA BLVD
STE C, PMB 405
SHERMAN OAKS, CA 9142

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **March 18, 2021**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

March 18, 2021
Date

Layla Buchanan
Printed Name

/s/ Layla Buchanan
Signature

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): CONTINUED:

- **INTERESTED PARTY COURTESY NEF:** Katherine Bunker kate.bunker@usdoj.gov
- **INTERESTED PARTY COURTESY NEF:** Greg P Campbell ch11ecf@aldridgepите.com, gc@ecf.inforuptcy.com; gcampbell@aldridgepите.com
- **ATTORNEY FOR U.S. TRUSTEE (SV):** Russell Clementson russell.clementson@usdoj.gov
- **ATTORNEY FOR DEBTOR JAMES ALEXANDER:** David B Golubchik dbg@lnbyb.com, stephanie@lnbyb.com
- **TRUSTEE DAVID KEITH GOTTLIEB (TR):** David Keith Gottlieb (TR) dkgttrustee@dkgallc.com, dgottlieb@iq7technology.com, rjohnson@dkgallc.com, akuras@dkgallc.com; ecf.alert+Gottlieb@titlexi.com
- **INTRESTED PARTY COURTESY NEF:** D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.com
- **ATTORNEY FOR INTERESTED PARTY THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF CRED IN., CRED (US) LLC, CRED CAPITAL, INC., CRED MERCHANT SOLUTIONS LLC, AND CRED (PUERTO RICO) LLC:** gjones@mwe.com, rnhunter@mwe.com; cgreer@mwe.com
- **ATTORNEY FOR TRUSTEE DAVID KEITH GOTTLIEB (TR):** Laila Masud lmasud@marshackhays.com, lmasud@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com
- **INTERESTED PARTY COURTESY NEF:** Valerie Bantner Peo vbanterpeo@buchalter.com
- **ATTORNEY FOR INTERESTED PARTY THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF CRED IN., CRED (US) LLC, CRED CAPITAL, INC., CRED MERCHANT SOLUTIONS LLC, AND CRED (PUERTO RICO) LLC:** Justin E Rawlins justinrawlins@paulhastings.com, shelbywidawski@paulhastings.com
- **U.S. TRUSTEE (SV):** United States Trustee (SV) ustpreion16.wh.ecf@usdoj.gov

2. SERVED BY UNITED STATES MAIL: CONTINUED:

SECURED CREDITOR

JPMCB HOME
700 KANSAS LN
MONROE, LA 71203

SECURED CREDITOR

JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE TEAM
700 KANSAS LANE FLOOR 01
MONROE LA 71203-4774

SECURED CREDITOR

LOS ANGELES COUNTY
TREASURER AND TAX COLLECTOR
ATTN BANKRUPTCY UNIT
PO BOX 54110
LOS ANGELES CA 90054-0110

SECURED CREDITOR

LOS ANGELES COUNTY
TREASURER AND TAX
COLLECTOR
P.O. BOX 54018
LOS ANGELES, CA 90054-0018

CREDITOR

BARCLAY'S BANK DELAWARE
PO BOX 8803
WILMINGTON, DE 19899-8803

**ADDED FROM SCHEDULES DK 48
CREDITOR**

BUCHANON INGERSOLL ROONEY
919 NORTH MARKET STREET,
SUITE 990
WILMINGTON, DE 19801

CREDITOR

CAPITAL ONE BANK USA
PO BOX 31293
SALT LAKE CITY, UT 84131-0293

CREDITOR

CITICARD
PO BOX 6241
SIOUX FALLS, SD 57117-6241

CREDITOR

CRED INC. ET AL,
C/O SCOTT COUSINS, ESQ.
1521 CONCORD PIKE, SUITE 301
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CREDITOR

DISCOVER STUDENT LOANS
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CREDITOR

FRANCHISE TAX BOARD
SPECIAL PROCEDURES
POB 2952
SACRAMENTO, CA 95812-2952

CREDITOR

INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY
OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

CREDITOR

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SALT LAKE CITY, UT 84121-7284

CREDITOR

US BANK
PO BOX 13
HILLSBORO, OH 45133-0013

CREDITOR

USAA
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SAN ANTONIO, TX 78265

CREDITOR

WELLS FARGO BANK
PO BOX 14517
DES MOINES, IA 50306-3517

CREDITOR / POC ADDRESS

WELLS FARGO BANK, N.A.
SMALL BUSINESS LENDING DIVISION
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DES MOINES, IA 50306-3517